



February 20, 2004

ENGROSSED SENATE BILL No. 231

DIGEST OF SB 231 (Updated February 18, 2004 4:40 pm - DI 109)

Citations Affected: IC 5-2; IC 20-8.1.

Synopsis: Bullying. Defines "bullying" and requires a school corporation to adopt rules to prohibit bullying. Allows the use of grants from the safe schools fund to provide education and training to school personnel concerning bullying, and requires the inclusion of anti-bullying training in school safety specialist education. Requires each school to establish a safe school committee.

Effective: July 1, 2004; July 1, 2005.

**Wyss, Sipes, Rogers, Lubbers, Alting,
Long, Howard, Dillon, Craycraft**
(HOUSE SPONSORS — PORTER, SCHOLER)

January 8, 2004, read first time and referred to Committee on Education and Career Development.

January 15, 2004, reported favorably — Do Pass.

January 20, 2004, read second time, amended, ordered engrossed.

January 21, 2004, engrossed.

January 22, 2004, read third time, passed. Yeas 38, nays 10.

HOUSE ACTION

February 4, 2004, read first time and referred to Committee on Education.

February 19, 2004, reported — Do Pass; recommitted to Committee on Ways and Means.

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ES 231—LS 7197/DI 71+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 231

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-10.1-2, AS AMENDED BY P.L.273-1999,
2 SECTION 220, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) The Indiana safe schools fund
4 is established to do the following:

5 (1) Promote school safety through the:

6 (A) purchase of equipment for the detection of firearms and
7 other weapons;

8 (B) use of dogs trained to detect firearms, drugs, explosives,
9 and illegal substances; and

10 (C) purchase of other equipment and materials used to
11 enhance the safety of schools.

12 (2) Combat truancy.

13 (3) Provide matching grants to schools for school safe haven
14 programs.

15 (4) Provide grants for school safety and safety plans.

16 **(5) Provide educational outreach and training to school**
17 **personnel concerning:**

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- 1 (A) identifying;
 2 (B) preventing; and
 3 (C) intervening in;
 4 **bullying.**
- 5 (b) The fund consists of amounts deposited:
 6 (1) under IC 33-19-9-4; and
 7 (2) from any other public or private source.
- 8 (c) The institute shall determine grant recipients from the fund with
 9 a priority on awarding grants in the following order:
 10 (1) A grant for a safety plan.
 11 (2) A safe haven grant requested under section 10 of this chapter.
 12 (3) A safe haven grant requested under section 7 of this chapter.
- 13 (d) Upon recommendation of the council, the institute shall establish
 14 a method for determining the maximum amount a grant recipient may
 15 receive under this section.
- 16 SECTION 2. IC 5-2-10.1-11, AS ADDED BY P.L.273-1999,
 17 SECTION 226, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) The school safety specialist
 19 training and certification program is established.
- 20 (b) The school safety specialist training program shall provide:
 21 (1) annual training sessions, which may be conducted through
 22 distance learning or at regional centers; and
 23 (2) information concerning best practices and available resources;
 24 for school safety specialists and county school safety commissions.
- 25 (c) The department of education shall do the following:
 26 (1) Assemble an advisory group of school safety specialists from
 27 around the state to make recommendations concerning the
 28 curriculum and standards for school safety specialist training.
 29 (2) Develop an appropriate curriculum and the standards for the
 30 school safety specialist training and certification program. The
 31 department of education may consult with national school safety
 32 experts in developing the curriculum and standards. **The**
 33 **curriculum developed under this subdivision must include**
 34 **training in identifying, preventing, and intervening in**
 35 **bullying.**
- 36 (3) Administer the school safety specialist training program and
 37 notify the institute of candidates for certification who have
 38 successfully completed the training program.
- 39 (d) The institute shall do the following:
 40 (1) Establish a school safety specialist certificate.
 41 (2) Review the qualifications of each candidate for certification
 42 named by the department of education.

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(3) Present a certificate to each school safety specialist that the institute determines to be eligible for certification.

SECTION 3. IC 5-2-10.1-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 12. (a) Each school within a school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-10.2-3.**

(b) The department of education and the school corporation's school safety specialist shall provide materials to assist a safe school committee in developing a plan for the school that addresses the following issues:

(1) Unsafe conditions, crime prevention, school violence, bullying, and other issues that prohibit the maintenance of a safe school.

(2) Professional development needs for faculty and staff to implement methods that decrease problems set forth in subdivision (1).

(3) Methods to encourage involvement by the community and students, the development of relationships between students and school staff, and the use of problem solving teams.

SECTION 4. IC 20-8.1-5.1-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.2. As used in this chapter, "bullying" means overt, repeated acts or gestures, including:**

(1) verbal or written communications transmitted;

(2) physical acts committed; or

(3) any other behaviors committed;

by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student.

SECTION 5. IC 20-8.1-5.1-7.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.7. (a) Discipline rules adopted by the governing body of a school corporation under section 7 of this chapter must prohibit bullying, including provisions concerning education, parental involvement, reporting, investigation, and intervention.**

(b) The discipline rules described under subsection (a) must apply when a student is:

(1) on school grounds immediately before or during school

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hours, or immediately after school hours, or at any other time
when the school is being used by a school group;

(2) off school grounds at a school activity, function, or event;

(3) traveling to or from school or a school activity, function,
or event; or

(4) using property or equipment provided by the school.

(c) This section may not be construed to give rise to a cause of
action against a person or school corporation based on an
allegation of noncompliance with this section.

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SENATE MOTION

Madam President: I move that Senators Alting and Long be added as coauthors of Senate Bill 231.

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SENATE MOTION

Madam President: I move that Senator Howard be added as coauthor of Senate Bill 231.

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SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 231.

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 231, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 231 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 9, Nays 2.

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SENATE MOTION

Madam President: I move that Senate Bill 231 be amended to read as follows:

Replace the effective date in SECTION 5 with "[EFFECTIVE JULY 1, 2005]".

(Reference is to SB 231 as printed January 16, 2004.)

WYSS

SENATE MOTION

Madam President: I move that Senate Bill 231 be amended to read as follows:

Page 4, after line 6, begin a new paragraph and insert:

"(c) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section."

(Reference is to SB 231 as printed January 16, 2004.)

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SENATE MOTION

Madam President: I move that Senator Breaux be removed as coauthor of Engrossed Senate Bill 231.

BREAUX

SENATE MOTION

Madam President: I move that Senator Dillon be added as coauthor of Senate Bill 231.

WYSS

SENATE MOTION

Madam President: I move that Senators Craycraft and Dillon be added as coauthors of Senate Bill 231.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 231, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PORTER, Chair

Committee Vote: yeas 13, nays 0.

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